IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6019 OF 2007

The Maharashtra Krishna Valley
Deveopment Corporation .. Petitioner

versus

New Asian Construction..... Respondent.

Shri V.D.Patil for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 05TH SEPTEMBER, 2007

P.C.;

1. The plaintiff has instituted a suit for recovery of an amount of Rs.42,85,000/- against the present petitioner. In the said suit the cause of action i.e. pleaded by the plaintiff has arisen on 31-5-1998 when the plaintiff completed the work. It then arose on 2-11-2000 when the defendants/present petitioner gave completion certificate and it is then stated that the cause of action also arose on 19-4-2003 when the defendants withheld the final bill by its letter of even date.

2. When the trial commenced and the plaintiff was in cross examination, the present petiitoner/defendant moved an application belatedly and purportedly filed

under Order VII Rule 11 for rejection of plaint for want of cause of action. The trial court has held that the application for rejection of plaint for want of cause of action, is untenable at this stage as the suit is at the stage of hearing. Hence the trial court has rejected the application.

3. Perused the order. The same does not call for any interference. Petition is summarily dismissed.

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